

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

02-234

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

AGENDA:

SYNOPSIS -

MAY 6, 2002

SUBJECT:

SIDEWALK
ORDINANCE
MODIFICATION

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

WILLIAM STOWE
PUBLIC WORKS
DIRECTOR

JEB BREWER, P.E.
CITY ENGINEER

The Public Works Department conducts inspections on defective sidewalks based on citizen requests. Abutting property owners are notified of any defects and are issued a notice to repair. After 30 days, sidewalks are reinspected and, if not replaced, are scheduled for replacement under contract by the City with costs assessed to the property owner. The convenience of having the City replace and assess the cost has resulted in only 40 percent of property owners taking the initiative to correct these unsafe conditions. Consequently, the City has had to hire a contractor to assist City crews in replacing these sidewalks. Increased sidewalk demands in Neighborhood Infrastructure Rehabilitation Program (NIRP) areas has required the full attention of City sidewalk crews, causing delays of up to one year in replacing sidewalks not replaced by property owners.

To reduce this backlog and to provide greater sidewalk contractor opportunities, staff recommends an ordinance change to extend the replacement time for a sidewalk by property owners from 30 days to 90 days and to eliminate, generally, the assessment process. In addition, a civil citation up to \$500 is recommended for those who do not replace their defective sidewalk within 90 days, with an exception for income-eligible households who may request the City replace their walk therein allowing them to receive available subsidies and time-based payments through property assessments.

FISCAL IMPACT -

Increased sidewalk replacement by property owners will result in an estimated reduction of \$150,000 in the City's Capital Improvement Program (CIP), Fund CPO38, Sidewalk Improvements.

RECOMMENDATION -

Approve modification of the sidewalk ordinance to provide 90 days, rather than 30, for property owners to replace the defective

sidewalk and a civil citation of up to \$500 for failure to do so.

BACKGROUND -

On January 22, 2002, the Public Works Director reported in his CIP Council budget presentation a forthcoming recommendation to modify the City's sidewalk ordinance to allow property owners more time to replace defective sidewalks. Along with that recommendation would be a requirement to replace the sidewalk or be subject to a civil citation up to \$500, significantly reducing reliance on the City's sidewalk replacement/assessment program.

A review of the Public Works Department's sidewalk replacement program shows that only 40 percent of property owners take the initiative to replace their defective sidewalks through contracts between property owners and sidewalk contractors. The remainder relies on the convenience of the City hiring a contractor, replacing their sidewalk, and assessing the cost over a five-year period. Heavy reliance on the City has resulted in delays as City crews or City sidewalk contractors are heavily engaged in sidewalk replacement in NIRP areas as well.

To encourage more property owners to replace their defective sidewalk, staff is recommending the time allowed to replace the sidewalk be extended from 30 days to 90 days and that a civil citation up to \$500 be levied if property owners fail to do so. The City would be relieved of costs associated with the replacement and the time-consuming assessment process. Once the current backlog is eliminated, a smaller City-sponsored contract would be required in the CIP.

To accommodate the limited number of income-eligible property owners, the City would continue to replace their sidewalk under assessment allowing them to receive available subsidies. Upon notice of the need to replace their sidewalks, property owners would receive information on assessment subsidy guidelines and how to apply. If approved for assessment subsidy prior to the end of the 90-day period, the City would replace the defective walk and assess the cost, thereby affording the income-eligible property owners access to subsidy assistance.
